

DOCKET NO: 294259US40PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KAZUHIKO MINAMI, ET AL. : EXAMINER: ROSATI, BRANDON M
SERIAL NO: 10/589,190 :
FILED: AUGUST 11, 2006 : GROUP ART UNIT: 3744
FOR: TUBE FOR USE IN HEAT :
EXCHANGER, METHOD FOR :
MANUFACTURING SAID TUBE, AND :
HEAT EXCHANGER

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement stated in the Official Action dated March 18, 2009, Applicants provisionally elect Group (Invention) I, Claims 1-17, drawn to a "method of manufacturing a tube and the tube, classified in class 29, subclass 890.053."

Applicants respectfully traverse the outstanding Restriction Requirement for the following reason.

MPEP §803 states the following:

If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

In the present application, Claims 1-16 are directed to methods for manufacturing a tube for use in an aluminum heat exchanger, Claim 17 is directed to a tube for use in an aluminum heat exchanger, Claims 18-20 are directed to aluminum heat exchangers, and Claims 21 and

22 are directed to refrigeration cycles in which refrigerant is condensed by condenser constituted by the aluminum heat exchanger. Hence, it appears that these claims according to the present invention are part of an overlapping search area and that a search for Claims 1-17 would necessarily include a search directed to the rest of the claims as well. It is therefore believed that there is no undue burden on the Examiner to search all the claims under MPEP §803, and Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of all the claims in the present application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-22 be conducted.

Respectfully submitted,

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